



File Code: 1570 (218)
15-01-00-0057

Date: JUL 06 2015

Dick Artley
415 NE 2nd St.
Grangeville, ID 83530

Dear Mr. Artley:

This letter is in response to your objection to the Barnyard South Sheep project located on the Nez Perce-Clearwater National Forest. The Responsible Official, Forest Supervisor Cheryl Probert, and I as the Objection Reviewing Officer have read your objections and suggested remedies, and reviewed the Environmental Assessment (EA) and draft Decision Notice (DN) and Finding of No Significant Impact (FONSI), the project file, and the comments submitted to this project. This letter details my responses to your objections based on my review and understanding of the disclosed environmental effects of this project in accordance with 36 CFR 218, *Project Level Predecisional Administrative Review Process*.

As specified at 36 CFR 218.11(b), I must provide a written response that sets forth reasons for the response; however, this written response need not be point-by-point. The Responsible Official and I have reviewed the project in light of the issues presented in your objections. I have considered the issues and suggested remedies and included my reasons for response to these issues, which are detailed below.

The regulations also allow for a meeting between objectors and the Reviewing Official; however, you did not request a meeting so we did not meet.

Together, the objection resolution meeting and this letter satisfy the requirements of 36 CFR 218.11, *Resolution of Objections*. No further review from any other Forest Service or U.S. Department of Agriculture official of my written response to these objections is available.

RESPONSE TO ISSUES

I have reviewed your objections and find that most do not require further discussion or instruction because the analysis and content presented in the EA and draft DN are adequate, and the Forest has complied with all applicable law, regulation, and policy. However, based on my review of the EA and draft DN, and the content in the project file, I concluded that one of your objections warranted instruction to the Deciding Official, as follows:

Issue: You allege that the Responsible Official does not acknowledge that the research conclusions of independent scientists indicate that even casual exposure to glyphosate may cause significant health problems. You state that the EA violates 40 CFR 1501.2 (b), 1502.16(a) and (b), 1502.16 and 1508.8(b) because Chapter 3 omits important environmental effect disclosures.

Further, you allege that the EA also violates Executive Order 13045, *Protection of Children from Environmental Health Risks and Safety Risks* (April 21, 1997), because the Responsible Official does not ensure that this project will not disproportionately expose children to environmental health risks and safety risks.



Finally, you allege that the draft FONSI violates 40 CFR 1508.27(b)(2) because the intensity discussion fails to discuss the degree to which the proposed action affects public health or safety.

Response: As an initial matter, the Barnyard South Sheep project is not a “covered regulatory action” pursuant to Executive Order 13045. Under Executive Order 13045, a covered regulatory action means “Any substantive action in rulemaking, initiated after the date of this order or for which a Notice of Proposed Rulemaking is published 1 year after the date of this order that is likely to result in a rule...” This project is not a regulatory action, nor would this project result in a rule, and therefore is not subject to the executive order.

Further, the Forest, under the North Fork Noxious Weeds Environmental Assessment (2005), addressed the treatment of noxious weeds on the North Fork Ranger District. The project area is covered by the analysis in the noxious weeds EA and decision, and thus there is not a need to separately address the effects of noxious weed treatment in the Barnyard South Sheep EA. Any treatment of invasive plants in the project area will be consistent with the strategy outlined in the noxious weeds decision, as described on page 13 of the Barnyard South Sheep EA and page A-15 of Appendix A of the draft DN.

I find that the Forest is in compliance with the regulatory requirement and executive order you cite in your objection. However, I find that the EA and project record need to include reference to the noxious weeds EA.

Instruction: I am instructing the Deciding Official to add the North Fork Noxious Weeds EA Decision Notice to the project record.

SUMMARY

In conclusion, I have reviewed your assertions that the project violates various environmental laws, regulations, policies, and the Forest Plan. My review finds the project is in compliance with all applicable laws and the Forest Plan. I have in one instance provided instructions to the Forest to provide additional information to better demonstrate compliance with law, regulation, or policy.

Once this instruction is completed it will be clear the project and the analysis is in full compliance with all laws, regulations, policies, and the Forest Plan, and the Forest Supervisor may sign the Decision Notice for this project. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available (36 CFR 218.11(b)(2)).

Sincerely,



DAVID E. SCHMID
Deputy Regional Forester

cc: Ray G Smith
Cheryl Probert